



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,061	04/01/2002	Colin Morgan Wright	000035-042	8680

21839 7590 03/20/2003

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,061

Applicant(s)

WRIGHT, COLIN MORGAN

Examiner

Steven M Marsh

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first office action for U.S. Application 10/019,061 for a Frame Structure for an Enclosure for Electrical Equipment filed by Colin Morgan Wright on April 1, 2002.

Specification

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 2 and 3, Applicant claims that the frame members are formed from sheet metal by bending. However, the claims are directed towards a structure and therefore the limitation to the method bending is not considered a part of the claim.

Claim 4 recites the limitation "each of the three portions" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites the limitation a "flat pack" comprising a plurality of frame members. No definition is given for the term in the specification and for purposes of

Art Unit: 3632

examination, it is assumed that Applicant is referring to the overall structure of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6, 12-19, and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,713,651 to Essig et al. Essig et al. discloses a frame structure with a plurality of elongate members (72, 74, 76) of bent sheet metal that are joined together at corners of the structure. The frame structure has a corner joint at which two horizontal frame members (72 and 76) and one vertical frame member (74) are joined together, with each including portions which are juxtaposed to one another (83 and 85 of each member) and are secured together by a common fastener (80 or 82) engaging the juxtaposed portions. The frame members have a further portions that are juxtaposed to one another and extend substantially horizontal and transverse to the planes of the first juxtaposed portions. There are holes in the juxtaposed portions and a second fastener passes through the holes (80 or 82) to engage two of the three frame members.

A first one of the frame members is vertical and of hollow section and a second one of the frame members passes through an opening in the first frame member (see

Art Unit: 3632

fig. 3, between 48 and 50). The structure includes eight corner joints that are all substantially identical to each other and the structure is substantially cuboidal (fig. 1). The structure is a rack and includes one or more removable panels (26) secured to the frame structure.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,542,549 to Siemon et al. Siemon et al. discloses a frame structure with a plurality of elongate members (see fig. 12 – parts 12, 14, 30) made of metal and joined at corners of the structure. The structure has a corner joint at which two horizontal frame members (12 and 30) and one vertical frame member (14) are joined together. The horizontal members and vertical member include portions that are juxtaposed to one another and are secured together by a common fastener (40) passing through holes in each portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-11, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Essig et al. in view of Patent GBR Patent 1,410,762 to Bloohn. Essig et al. does not disclose openings in the walls of a first frame member whereby second and third frame members pass through the openings and the third member

Art Unit: 3632

passes through an opening in the second member. The '762 patent discloses three frame members wherein a first, vertical frame member (11) has two walls with openings (20 and 22). Second and third frame members (16 and 12) pass through the openings in the wall of the first member. The third member also passes through an opening (21) in a wall of the second member. Fasteners (24) are extended through openings (23 and 25) in the first and third members to further secure the structure. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided holes in the walls of the vertical member taught by Essig et al., for receiving two horizontal members, and also to have provided a hole in one of the horizontal members for receiving the other horizontal member, as taught by the '762 patent, for the purpose of securing the structure. Only one of the openings in the walls of the vertical member disclosed by the '762 patent is rectangular, however, the shape of the openings is a matter of engineering preference and is depending on the shape of the member that it receives.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,265,419 to Durnbaugh et al.

U.S. Patent 4,593,831 to Clive-Smith

The above patents all disclose various types of frame structures.

Art Unit: 3632

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.



Steven Marsh

March 13, 2003


ANITA KING
PRIMARY EXAMINER